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ena Nikolova

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Date: September 29, 2005

Matthew E. AUBERTINE Confirmation No: 1980

Serial No: 09/903,937 Group Art Unit: 2122

Filed: July 12, 2001 Examiner: Fowlkes, Andre

For: METHOD AND SYSTEM FOR OPTIMIZING THE USE OF PROCESSORS

WHEN COMPILING A PROGRAM

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

NOTICE OF APPEAL

Sir:

In the Final Office Action dated June 6, 2005, the Examiner rejected Claims 1-18. In response, Applicant hereby appeals to the Board the decision of the Primary Examiner. An Appellant's Brief will be filed no later than two menths from the date of this notice.

The Commissioner is hereby authorized to charge \$500.00 to Deposit Account No. 09-0447 (IBM Corporation) for payment of the notice of appeal fee. Check No. 09244 in the amount of \$120.00 is enclosed for payment of the one month extension of time. The Commissioner is authorized to charge any additional fees required by this communication to Deposit Account 09-0447 (IBM Corporation).

If any unresolved issues remain, please contact Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

September 29, 2005

Date

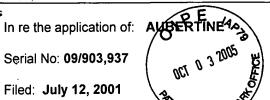
Attorney for Applicant(s)

Reg. No. 30,801 (650) 493-4540

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Serial No: 09/903,937

Filed: July 12, 2001



Confirmation No: 1980

Group Art Unit: 2192

ENCLOSURES (check all that apply)

Examiner: Fowlkes, Andre R.

For: Method and System for Optimizing The Use of Processors When Compiling A Program

	Amendment/Reply				Assignment and Recordation Cover Sheet			After Allowance Communication to Group	
	After Final				Part B-Issue Fee Transmittal			Notice of Appeal	
	Information disclosure statement				Letter to Draftsman			Appeal Brief	
	Form 1449				Drawings .			Status Letter	
	(X) Copies of References				Petition			Postcard	
	Extension of Time Request *				Fee Address Indication Form			Other Enclosure(s) (please identify below):	
	Express Abandonment				Terminal Disclaimer				
	Certified Copy of Priority Doc				Power of Attorney and Revocation of Prior Powers				
	Response to Incomplete Appln				Change of Correspondence Address				
	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for one month(s), From September 7, 2005 to October 6, 2005.								
	<u>.</u>				CLAIMS				
FOR Claims Remain After Amendme				Highest # of Claims Previously Paid For	Extra Claims		RATE	FEE	
Total	Total Claims		18		20 .	0		\$ 50.00	\$ 0.00
Indep	endent Claims	3		3	0		\$200.00	\$ 0.00	
					METUOD OF DAVIM	ENT		Total Fees	\$ 0.00
	METHOD OF PAYMENT Check no. <u>09244</u> in the amount of \$ <u>120,00</u> , is enclosed for payment of fees.								
	Charge \$ 500.00 to Deposit Account No. 09-0447 (IBM Corporation) for payment of fees.								
Charge any additional fees or credit any overpayment to Deposit Account No. <u>09-0447</u> (IBM Corporation)									
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT									
Attorney Name Joseph A. Sawyer, Jr., Reg. No. 30,801									
Signa	ture		Inn	1	1/2				
Date September 29, 2005									
,		** .		, (CERTIFICATE OF MA	ILING			
I hereb mail in 2005	by certify that this an envelope add	cori	espondence is beir ed to: Mail Stop AF	ng dep , Comi	osited with the United Stanissioner for Patents, P.C	ates Postal S D. Box 1450, A	Service v Alexand	with sufficient postage ria, VA 22313-1450 on	as first class September 29,
Type	Type or printed name Irena Nikolova			•					
Signature Transpired of Q									
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